

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

NIGEL FRANK DE LA TORRE PARDO,

Plaintiff,

v.

PRIME HOMES AT PORTOFINO PLAZA  
RETAIL, LLC, PHG HOMESTEAD, LLC  
d/b/a PORTOFINO COAL FIRED PIZZA  
LLC, and SAKE THAI LLC d/b/a SAKE  
THAI & SUSHI BAR HOMESTEAD

Defendants.

Civil Action

File No. 1:23-CV-24166-RAR

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**DEFENDANTS' RESPONSE TO SHOW CAUSE ORDER**

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COMES NOW, Defendants Prime Homes at Portofino Plaza Retail, LLC, and PHG Homestead, LLC d/b/a Portofino Coal Fired Pizza LLC ("Defendants") by and through undersigned counsel, and files the following Response to this Court's Order (ECF No. 14, the "Order") and shows the Court as follows:

1. Plaintiff filed his Complaint (ECF No. 1) on October 31, 2023.
2. Defendants were served on November 3, 2023 (ECF Nos. 5, 6), but this Court then extended the time for Defendants to Answer up to and including November 30, 2023 (ECF No. 7).
3. On December 5, 2023, this Court entered the Order requiring Defendants to file their answers to the Complaint on or before December 12, 2023, and show good cause for their failure to timely respond.
4. Defendants admit they were served on November 3, 2023, and the registered agent for Defendants provided the Complaint to Defendants' local counsel, which acts as Defendants' in-house counsel.

5. However, the internal deadline was never calendared by local counsel.
6. In the interim, local counsel sought outside counsel in order to represent Defendants in the instant action.
7. Defendants only retained undersigned counsel the first week of December, days after the Court entered the Order (ECF No. 14).
8. Defendants' delay and failure to answer was not intentional, nor was it done with the purpose of delaying these proceedings or wasting the Court's and/or Plaintiff's time and resources.
9. Defendants apologize to this Court and to Plaintiff for this delay and ask that this Court not penalize Defendants for said delay.
10. Defendants have retained undersigned counsel, who is admitted in this judicial district and is an officer of this Court, who will make sure that all future deadlines and orders of this Court are strictly adhered to.
11. Should Defendants miss future deadlines or fail to follow an order from this Court, Defendants understand that they will face punishment from this Court.

This 12<sup>th</sup> day of December, 2023.

Respectfully Submitted,



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*Attorneys for Defendants, Prime Homes at  
Portofino Plaza Retail, LLC, and PHG  
Homestead, LLC d/b/a Portofino Coal Fired  
Pizza LLC*

**Certificate of Service**

This is to certify that on this date, I electronically filed this Certificate of Service for the foregoing DEFENDANTS' RESPONSE TO SHOW CAUSE ORDER with the Clerk of Court using the CM/ECF system on December 12, 2023 to all counsel of record on Service List below



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Kirstie L. Hayduk

**SERVICE LIST**

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